

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TONY L. WARE, CEO and  
T. L. WARE BOTTLING  
COMPANY, INC.

Plaintiffs,

v.

FLEETBOSTON FINANCIAL  
CORP.,  
f/k/a BANKBOSTON CORP.,

Defendant.

Civil Action File

No. 1-05-CV-0426

**MHS**


**NOTICE TO PLAINTIFFS OF  
REMOVAL OF CIVIL ACTION**

You are hereby notified that the sole named defendant in the above-referenced civil action, FleetBoston Financial Corporation, has filed on February 15, 2005, the Notice of Removal of Civil Action, a copy of which is attached hereto as Exhibit 1, in the United States District Court for the Northern District of Georgia, Atlanta Division, thereby removing the case to that Court.

FleetBoston Financial Corporation makes this notice by special appearance while preserving all defenses and objections, including but not limited to, lack of personal jurisdiction and insufficient service of process.

Respectfully submitted,

**PARKER, HUDSON, RAINER & DOBBS LLP**

By:   
William J. Holley, N  
Georgia Bar No. 362310  
Nancy H. Baughan  
Georgia Bar No. 042575  
Michael D. Grider  
Georgia Bar No. 310473

1500 Marquis Two Tower  
285 Peachtree Center Avenue, N E.  
Atlanta, Georgia 30303  
(404)523-5300 (telephone)  
(404)420-5549 (facsimile)

Attorneys for FleetBoston Financial Corporation